

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 7 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	The Plaza, 120 Oxford Street, London, W1D 1LT,		
Proposal	Use of the ground and first floor unit on corner of Wells Street and Eastcastle Street as a restaurant (Class A3), alterations to shopfronts on Eastcastle Street and Berners Street elevations, installation of ventilation louvres at first floor level on Wells Street and installation of an extract duct and air-conditioning units at roof level.		
Agent	DP9		
On behalf of	Siroso Ltd		
Registered Number	16/11237/FULL	Date amended/ completed	6 January 2017
Date Application Received	25 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure the completion of the reconfigured retail units at ground, first and basement floors prior to the occupation of the new restaurant.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
 - a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application involves the conversion of part of the former WH Smith unit on the corner of Wells Street and Eastcastle Street for restaurant purposes. The proposed restaurant would also extend at first floor level into part of the former Plaza Shopping Centre's food court area. Minor external works

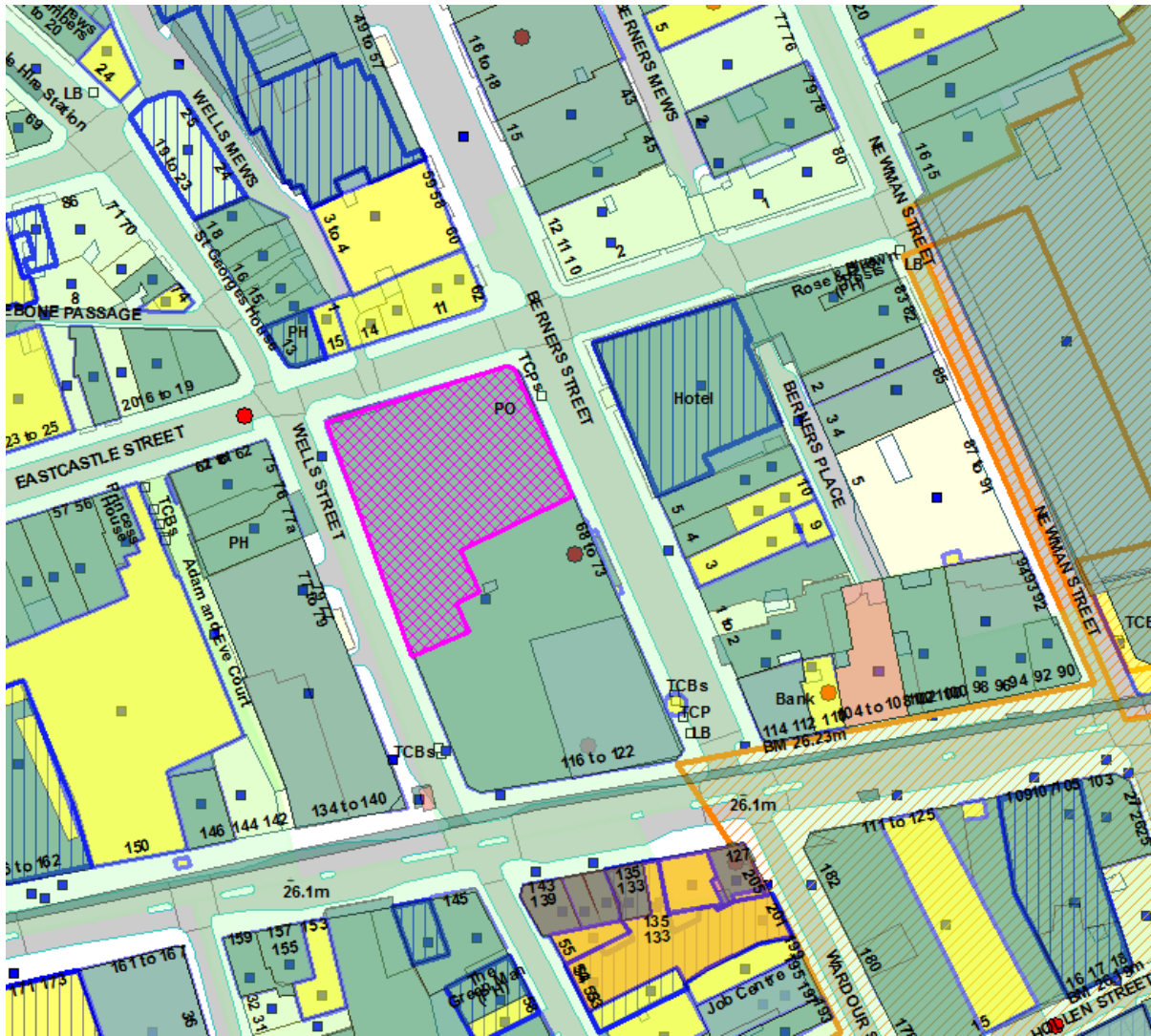
are also proposed including alterations to shopfronts, new louvres and new plant at roof level.

The proposal raises the following key issues:

- * The loss of existing retail accommodation
- * The impact on neighbouring residential amenity.
- * The impact of the external alterations on the character and appearance of the East Marylebone Conservation Area

The loss of the retail accommodation is considered acceptable in this instance taking into account the 2013 permission for this site which provided a large net uplift of retail floorspace. The minor alterations proposed, including new plant at roof level are considered acceptable in design terms and subject to appropriate conditions it is also considered that the proposed restaurant use will be acceptable in terms of its impact upon residential amenity in the vicinity. The application is therefore recommended for conditional approval subject to a legal agreement to secure the previously consented retail floorspace prior to the occupation of the new restaurant use.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objections raised subject to conditions.

ENVIRONMENTAL HEALTH

No objections raised subject to the submission of a supplementary noise report.

CLEANSING MANAGER

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 110; Total No. of Replies: 2

Two letters of objection on the following grounds:

- * Late night noise
- * Increase in traffic and parking
- * Disturbance from other A3 nearby premises from people leaving, arriving and smoking outside the premises
- * Saturation of A3 premises within the vicinity
- * If consent is granted, conditions preventing external seating and smoking on Eastcastle Street, prohibiting audible music, limiting opening hours until 11pm and servicing hours during normal working hours

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application concerns Colegrave House, also known as The London Plaza, which is located on the street block between Oxford Street, Berners Street, Wells Street and Eastcastle Street. The building comprises basement plus seven upper floors formed around two large lightwells. The building is unlisted and lies within the Central Activities Zone, the West End Stress Area and the East Marylebone Conservation Area and on the Oxford Street International Centre Primary Shopping Frontage.

The building was originally constructed in the 1920s as a department store for Bourne and Hollingsworth. Following the closure of the department store the building was reconfigured and converted in 1987 to a shopping centre at basement, ground and first floors, with a food court at first floor level. In 2013 permission was granted for the refurbishment and reconfiguration of the building which included additional retail accommodation at ground and first floor providing enlarged (Class A1) retail units at these levels. This permission is currently being implemented.

The current application involves part of the ground floor of the former W.H. Smith unit which lies on the corner of Wells Street and Eastcastle Street, and part of the former Plaza Shopping Centre's food court area at first floor level. These areas of the building formed part of a large retail unit consented as part of the 2013 permission.

The office accommodation on the upper floors comprises some 12,000m² and is occupied entirely by the Arcadia Group Ltd, who employ some 1,600 staff. The main entrance to this office accommodation is on Berners Street with a further staff entrance on the corner of Berners Street and Eastcastle Street. Deliveries are made via a loading bay on Wells Street.

6.2 Recent Relevant History

In October 2013 permission was granted for the refurbishment and reconfiguration of the existing building comprising the roofing over and partial infilling of the existing north and south lightwells to provide additional office accommodation (Class B1); the enlargement of the office reception on Berners Street at ground and first floor; the change of use of part of the second floor from private medical centre (Class D1) to offices (Class B1); the extension of the gymnasium at second floor; reconfiguration and enlargement of the existing retail accommodation at ground and first floor to provide enlarged (Class A1) retail floorplates; external cladding of the sixth floor; external alterations at ground and first floor and new roof top plant.

Minor non-material amendments to this approval have subsequently been granted in May 2015, October 2015 and January 2016.

7. THE PROPOSAL

The proposals involve the change of use of part of the former W.H. Smith retail (Class A1) unit at ground floor level on the corner of Wells Street and Eastcastle Street, to create a restaurant unit (A3). The proposals would also involve the change of use of part of the former Plaza Shopping Centre's food court area at first floor level. As part of the consented 2013 permission these areas were identified as Class A1 retail floorspace (865sqm GIA). As a result, the introduction of a restaurant in this location would involve the loss of 865sqm of consented A1 retail space.

Minor amendments to the shopfront are also proposed and plant, including a new high level extract duct, is proposed at roof level.

8. DETAILED CONSIDERATIONS

8.1 LAND USE

Loss of retail use

The unit lies on the corner of Wells Street and Eastcastle Street and is part of the former Plaza Shopping Centre, which, by virtue of its frontage to Oxford Street lies on the International Centre Primary Shopping Frontage. Policy SS3 of the UDP and S21 of the City Plan are therefore relevant. Policy SS3 states that planning permission will not, except in the most exceptional circumstances, be granted for a change of use from A1

use at basement, ground floor or first-floor levels. Policy S21 states that existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.

In dealing with the last application on this site, it was recognised that the reconfiguration of the existing mall, providing a net uplift of 1,176m² of retail floorspace and creating two large retail units, improved the retail offer in the West End. The current proposal to use part of the ground and first floors for restaurant purposes reduces the original A1 retail uplift by 865sqm, but there would still be a 475sqm net increase in overall A1 retail floorspace compared to the consented scheme (as summarised in the table below):

	Existing (GIA)		Consented (GIA)		Proposed (GIA)	
	A1	A3	A1	A3	A1	A3
Ground floor	3,495	0	3,365	0	3,040	325
First floor	2,080	1,440	3,550	0	3,010	540
Total	5,575	1,440	6,914	0	6,050	865

Given the retail policies set out above, the loss of retail in this location would ordinarily be contentious in land use terms. In support of the application a retail assessment has been submitted by Cushman & Wakefield that argues that this is a secondary retail location and that demand for a large store over two levels is limited with most occupiers requiring this type of accommodation preferring to secure premises on Oxford Street or Tottenham Court Road. It is also acknowledged that this part of the WH Smith unit functioned as a back of house ancillary office and storage area, was not publicly accessible and did not have an active retail shopfront. Given the overall uplift of retail floorspace on the wider site, the fact that the proposal would introduce an active frontage to these parts of Wells Street and Eastcastle Street, improving the surveillance of the street and increasing footfall in this area, it is considered that the loss of retail in this location is acceptable.

Furthermore, the site's location just to the north of Oxford Street could be argued to support the main retail areas in the West End Special Retail Policy Area in accordance with City Plan Policy S7 which seeks to secure the development of Oasis Areas of rest, including seating areas, and A3 café and restaurant uses where appropriate.

Given that the area is mixed in character, and provides a variety of different uses (including retail, restaurant, bar, hotel and office), it is not considered that the use of the rear part of the ground floor of the former WH Smith unit as a restaurant would be detrimental to the character and function of the area or the vitality or viability of the shopping frontage or locality.

The original permission was subject to a legal agreement requiring the conversion of the restaurant units at first floor to retail to take place prior to the use of an enlarged office entrance on Berners Street (for the Arcadia Group Ltd). Clearly this can no longer take place as one of the former restaurant units falls within the demise of the proposed restaurant at first floor level. In any event the new Arcadia office entrance is now in use and to off-set the loss of the consented retail floorspace, a revised S106 agreement is required to secure the completion of the enlarged shop units at ground, basement and first floor prior to the occupation of the new restaurant.

Proposed restaurant use

This application proposes a new restaurant premises at part ground and first floor levels measuring 865sqm. The proposal must therefore be considered against the relevant City Council policies relating to entertainment uses. Policy S24 of Westminster's City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500m² (GEA), will not generally be appropriate within Westminster. Policy TACE 10 of the UDP is also applicable and this states that entertainment uses over 500m² will only be permissible in exceptional circumstances.

It is important to note that the existing use of the site included 1,440m² of A3 floorspace in the form of the food court. The previous permission resulted in the loss of all the A3 use and that the current proposal for a replacement A3 unit of 865m² is still considerably less than what previously existing on the site.

The site is located on the periphery of the defined West End Stress Area, an area where the numbers of restaurants, cafés, takeaways, public houses, bars and other entertainment uses is considered to have reached a level of saturation. Paragraph 8.89 of the UDP states that in Stress Areas "the City Council will consider whether any additional entertainment proposal, when taken alongside others nearby, will adversely affect residential amenity, local environmental quality, or the character or function of the surrounding area." An objection has been received to the application stating that there are a number of new A3 premises within the vicinity and that a further restaurant would harm residential amenity.

Whilst the proposed new restaurant would be immediately opposite the Champion public house, and within the vicinity of a number of new A3 uses on Berners Street, it is not considered that this part of Wells Street generally is 'saturated' with entertainment premises. Immediately to the south is Oxford Street which is dominated by retail uses whilst to the north there are very few entertainment uses, with the majority of the ground floor commercial premises being in use as retail and/or office accommodation. It is not considered that an additional restaurant would result in an unacceptable concentration of entertainment uses or harm the character and function of this part of the East Marylebone Conservation Area.

The nearest residential accommodation are the four flats in 1 Wells Mews opposite the application site. There are also some 40 flats at York House on the corner of Berners Street and Eastcastle Street and two letters of objection have been received from occupants of York House on the grounds of likely noise disturbance.

The restaurant proposals are speculative with no end-user identified, and therefore it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier. However, the applicant states that the restaurant would provide high quality dining and has submitted a draft Operational Management Plan that the restaurant is expected to be operated in accordance with. This seeks to address a

range of considerations to protect neighbouring amenity, including hours of operation, entrance and exit arrangements, deliveries and servicing, security and fume extraction.

The applicant initially requested hours of opening of the restaurant until 01:00 on Fridays and Saturdays, however, given the proximity of residential properties a terminal hour of midnight on Monday to Thursdays, 00:30 on Fridays to Saturdays and 23:00 on Sundays is considered more appropriate and in line with core hours set out in the UDP. The applicant has agreed to these revised hours. Local residents have suggested that the restaurant should not be open beyond 23.00 hours, however, the proposed terminal hours are similar to other nearby restaurant premises including Patara Thai and Gourmet Burger Kitchen on Berners Street.

In order to further ensure the protection of residential occupiers in the vicinity, a condition is proposed requiring the submission of a full Operational Management Plan to ensure the restaurant is managed effectively. Conditions are also proposed to restrict the hours of operation as set out above, to restrict servicing to daytime hours, to restrict capacity to 250, to ensure that no more than 15% of the restaurant floor area is used for a bar/bar seating and that drinks can only be served at the bar to restaurant customers, before, during or after their meals.

With these conditions in place it is considered that the proposal would be in accordance with UDP Policy TACE10 and City Plan Policy S24.

8.2 Townscape and Design

The external alterations are broadly similar to the approved scheme and only minor alterations are proposed to the consented shopfronts. At first floor level new ventilation louvred panels are proposed and at roof level additional plant is proposed behind the dummy mansard approved in 2013. The first floor louvres are required as there is limited riser connectivity to the roof through the upper floors of the building to enable fresh air intake to be taken from above the building.

These alterations are acceptable and accord with policies DES5, DES6 and DES9 of the 2007 UDP and S25 and S28 of the City Plan.

8.3 Residential Amenity

The application has been supported by an acoustic report that assesses both noise break out from the proposed restaurant and from the potential noise and vibration impacts of the proposed plant. The report sets out that the Eastcastle Street entrance will incorporate an internal lobby in order to mitigate noise break-out from the restaurant during ingress and egress of patrons. The ground floor façade shall incorporate full height shopfront glazing and windows at first floor level are existing and understood to be double glazed. Environmental Health raise no objections to the proposal subject to conditions.

Plant

The proposed restaurant would be served by a full height extract duct that terminates at roof level. Air conditioning units are also proposed at roof level and an acoustic report

has been submitted to assess the potential noise and vibration impacts of the proposed plant. The nearest residential windows affected by the roof level plant are the flats opposite in Wells Mews. Background noise levels have been provided to demonstrate that noise from the duct and associated equipment will be compliant with the City Council requirements and this has been considered acceptable by Environmental Health. Conditions are proposed in relation to the noise and vibration levels from the plant.

8.4 Transportation/Parking

Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that 'vehicular servicing needs of developments are fully accommodated on-site and off street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development'. Policy S42 is similarly worded.

An on-site servicing/loading bay is available on Wells Street that can accommodate vehicles up to 10m in length which the Highways Planning Manager anticipates would cover most of the vehicle types likely to service the site. The application is also supported by a Service Management Plan that indicates that 6-8 trips per day are likely to be generated by the servicing associated with the site between 09:30 and 11:30. No objections have been raised by the Highways Planning Manager in relation to impact on either servicing or parking levels, and despite the objection from a local resident, it is not considered that the use of taxis and private cars would be so significant as to justify refusal on highways grounds. In order to minimise the impact of the proposed use on the road network, it is considered that a delivery service should not operate from the premises, and a condition to this effect has been recommended.

Waste storage and cycle parking are provided at basement level. A condition is proposed to ensure the additional 13 cycle spaces proposed as part of this application are delivered and retained.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

All new entrances will incorporate a flush threshold and lift access is provided to the first floor level.

8.7 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

To ensure that an overall uplift of retail occurs on the site as a whole, a legal agreement is required requiring the completion of the enlarged shop units consented in 2013 at ground, basement and first floor prior to the occupation of the new restaurant. The proposed variation is considered acceptable for the reasons set out in 8.1 above.

A CIL payment is not liable.

8.11 Environmental Impact Assessment

Not applicable for a scheme of this scale.

9. BACKGROUND PAPERS

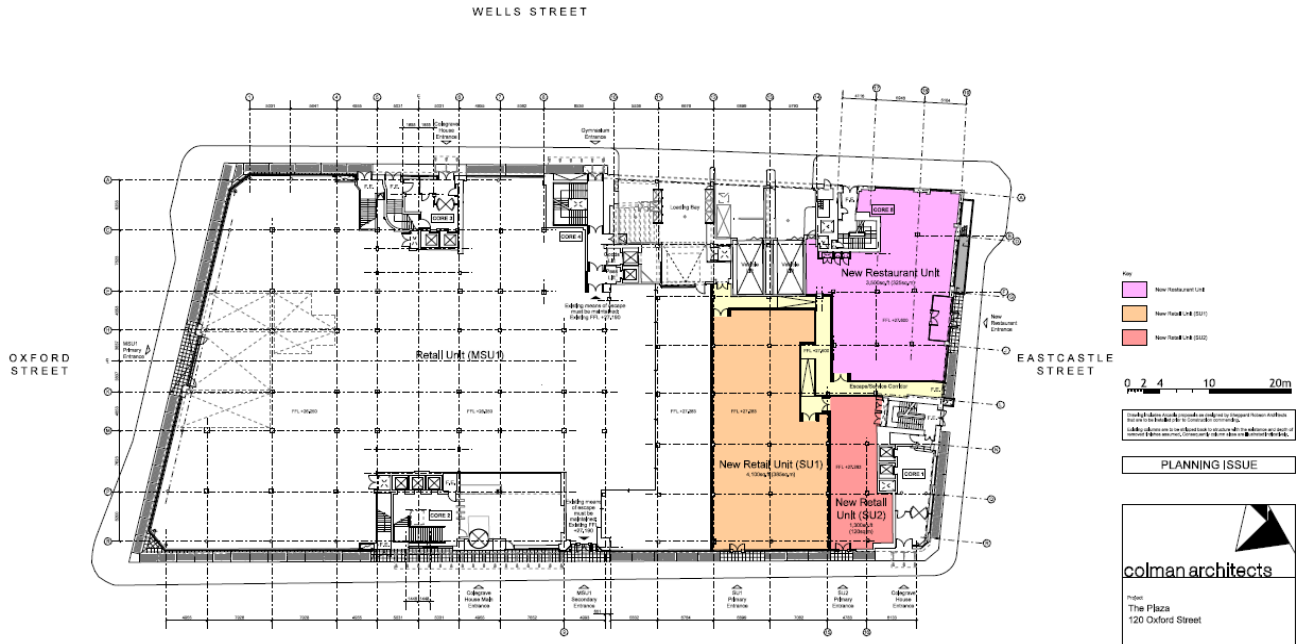
1. Application form
2. Response from Environmental Health dated 16 January 2017
3. Memorandum from Highways Planning Manager dated 19 January 2017
4. Letter from occupier of 11 York House, 12 Berners Street, dated 15 January 2017
5. Letter from occupier of 2 York House, 12 Berners Street, dated 1 February 2017

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

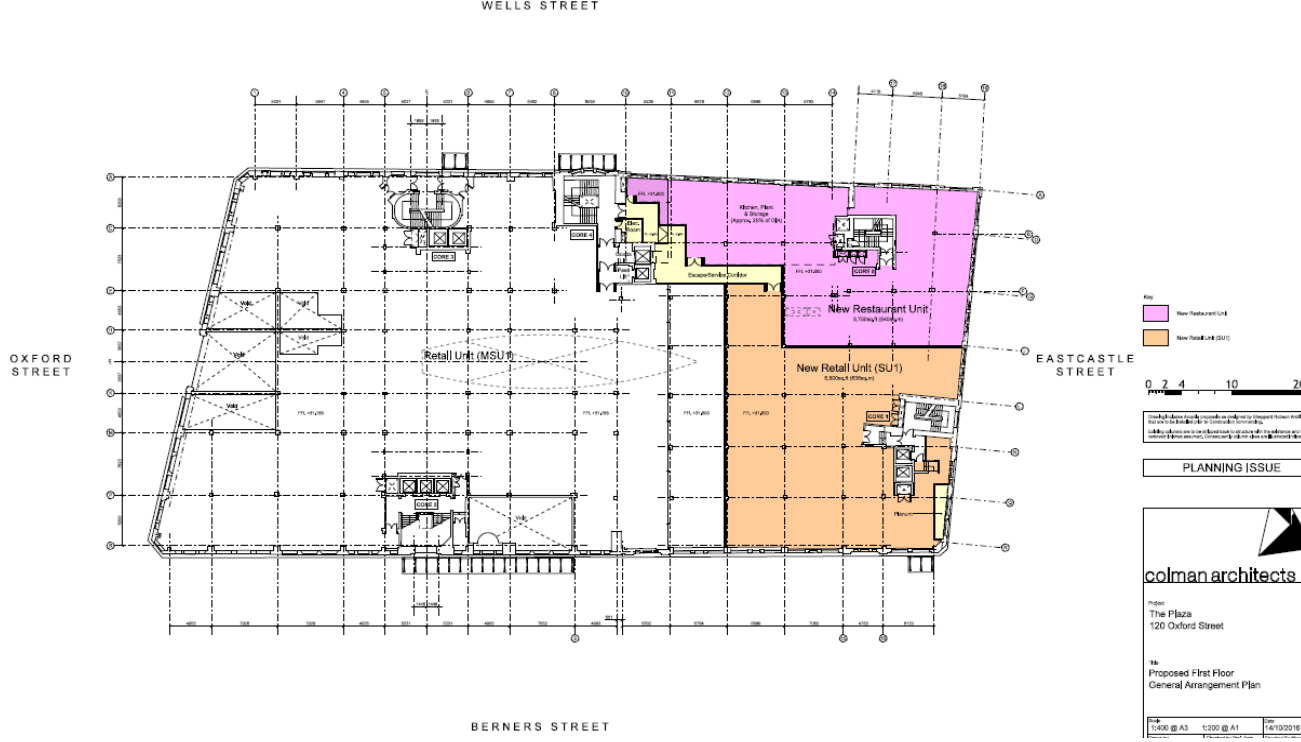
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS

Proposed ground floor



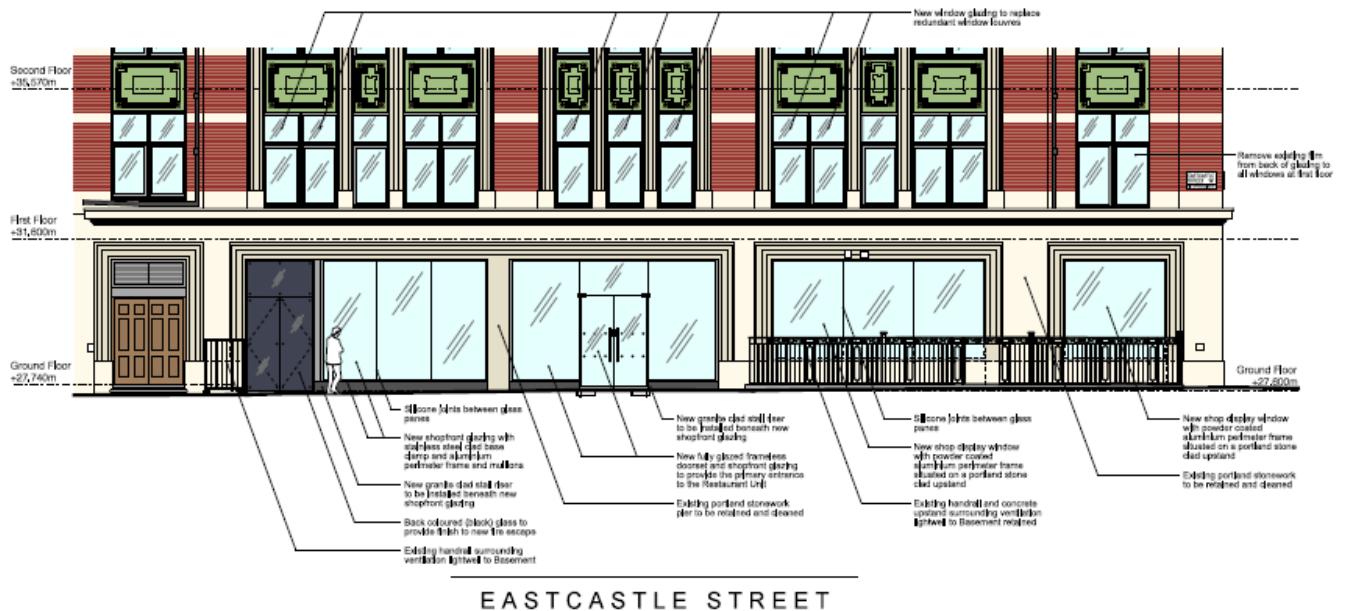
Proposed first floor



Existing Eastcastle Street Elevation



Proposed Eastcastle Street Elevation



DRAFT DECISION LETTER

Address: The Plaza, 120 Oxford Street, London, W1D 1LT,

Proposal: Use of the ground and first floor unit on corner of Wells Street and Eastcastle Street as a restaurant (Class A3), alterations to shopfronts on Eastcastle Street and Berners Street elevations, installation of ventilation louvres at first floor level on Wells Street and installation of an extract duct and air-conditioning units at roof level.

Reference: 16/11237/FULL

Plan Nos: 1110_P-1(--)-099_P1, 100_P1, 101_P1, 107 REV P2, 200_P1, 201_P1, 202_P1, 400_P1, 500_P1, 501_P1, 502_P1, 503_P1, Noise Impact Assessment Report dated November 2016, Ventilation and Extraction Systems Report dated October 2016.

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - *between 08.00 and 18.00 Monday to Friday;
 - *between 08.00 and 13.00 on Saturday; and ,
 - *not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- *between 08.00 and 18.00 Monday to Friday; and ,
- *not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 4 No vibration shall be transmitted to adjoining or other premises and structures through the

building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 5 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must not allow more than 250 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 You must not play live or recorded music within the restaurant premises that will be audible externally or in the adjacent properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 8 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours:
07.00 to midnight Monday to Thursday,
07.00 to 00.30 Friday, Saturday and Sundays before a Bank Holiday; and
07.00 to 23.00 on Sundays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 9 The restaurant use hereby approved must be operated in accordance with the submitted Servicing Management Plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 10 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 11 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 12 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 13 You must provide detailed drawings (plans and section/elevation) showing the full height kitchen extract duct indicated on your approved drawings. These details must be provided before the restaurant use commences and the approved duct shall thereafter be permanently retained for as long as the restaurant is in use.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 14 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

- 15 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 16 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors at the entrance to the restaurant. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 17 All servicing must take place between 08:00 and 19:00 on Monday to Saturday and 09:00 and 18:00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 You must not operate a delivery service from the premises even as an ancillary part of the use.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 3, 4 & 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)